

REMARKS

Entry of the foregoing, and reconsideration and further examination of the subject application, in view of the amendments above and the remarks below, are respectfully requested.

Status of Claims

By the above amendments, claims 1 and 22 have been amended. No claims have been added or deleted. Thus, claims 1 and 22-26 remain pending in the application. Each of these claims is under consideration.

Claim Rejection - 35 U.S.C. § 103

In the Office Action, claims 1 and 22-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,508,771 to Peoples, Jr. et al. ("Peoples") in view of DOW's *Expanding the Power of Elastomers* ("Dow Document"). For the following reasons, this rejection should be withdrawn.

Peoples does not disclose or suggest each feature of the present invention, as set out in representative claim 1. For example, Peoples fails to disclose or suggest using an adhesive material consisting essentially of a blend of ethylene methyl acrylate copolymer and another polymer recited in claim 1.

In this regard, Applicants note the Examiner's assertion in the Office Action that the present claims do not exclude one of the second polymers in the blend from also being classified as an elastomeric polymer. However, the assertion is misplaced. As the Examiner is well aware, claims must be construed in light of the specification of which they are a part. In this case, the specification considers elastomers to be different from all the other polymers that are listed and claimed as the second polymer in the blend of the adhesive material. See, e.g., page 3, line 17 – page 4, line 2. The present specification mentions elastomers along side those other polymers. This indicates to persons skilled in the art that the present application does not consider the other polymers to also be elastomers, but independent of them. Otherwise, the recitation of elastomers in that list would be redundant. Thus, the Examiner's interpretation of the present claims is flawed.

Moreover, to remove any doubt that the claim language "metallocene based polyethylenes" could bring elastomers into the scope of the present claims, it has been deleted. In light of this amendment, the Dow Document is now moot since it was cited to show that polyolefin elastomers can be metallocene-based polyolefins.

Based on the above, there's no *prima facie* case of obviousness, and the rejection under 35 U.S.C. § 103 should be withdrawn.


Conclusion

In summary, Applicants believe the application to be in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider the rejection(s), remove all rejections, and pass the application to issuance.

Respectfully submitted,

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